

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA ,

-v-

EDWIN HENRIQUEZ,

Defendant

S13 06 Cr. 1014 (AKH)

VOIR DIRE REQUESTS
ON BEHALF OF
EDWIN HENRIQUEZ

Alan R. Kaufman
Kelley Drye & Warren LLP
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New York, NY 10178
(212) 808-5195
Attorney for Edwin Henriquez

VOIR DIRE REQUESTS

1. Do you have any difficulty speaking, reading or understanding English?
2. Do you speak or understand Spanish?
3. What is your city and state of birth (or country of origin if you were born outside the United States)?
4. In what county do you presently live?
5. If you live in New York City, in what neighborhood do you live (for example: South Bronx, Upper West Side, East Tremont, Riverdale, Harlem, Greenwich Village, etc.)?
6. If you live outside of New York City, in what city or town do you live?
7. If you currently live outside of New York City, but have ever lived in New York City, in what neighborhood did you live?
8. How long have you lived at your current residence?
9. If you have lived at your current residence for fewer than 10 years, please identify (by city and state, or foreign country) other places where you have lived during the last 10 years?
10. What is your marital status?
11. Do you have any children? What is their age, education and employment status?
12. Are you employed?
13. If you are employed, please tell us who your employer is and the type of business. If you are self-employed, please so indicate and tell us what kind of work you do.
14. How long have you worked at your current job?
15. Do you supervise others?
16. If you are presently a student (full or part-time), please describe your area of study.
17. Please state if anyone else in your household works outside the home (including your spouse or live-in companion), their employer and the type of work performed.
18. What is your highest level of education?
19. Have you or a family member or close friend ever attended law school or had any legal training or taken any law courses?

20. Do you have firearms training?
21. Do you own any guns?
22. If yes, how many do you own, what type, and for what purpose do you own them?
23. Have you ever been involved in any incident in which a gun has been used or even just displayed?
24. Has anyone close to you, friend or family, ever been involved in a gun-related incident?
25. Have you, or any members of your family, or a close friend, ever been a member of, or otherwise involved with, a victims' rights or crime-fighting group?
26. Have you, or any members of your family, or a close friend, ever been the victim of a crime? If so, please tell us about it.
27. Have you, or any close friends or relatives, ever been employed by or otherwise affiliated with a law enforcement agency? This would include a state, federal, county and local police department, the Federal Bureau of Investigation, Drug Enforcement Administration, U.S. Attorney's Office, the Bureau of Alcohol, Tobacco and Firearms, Customs Service, Internal Revenue Service, Secret Service, all federal, state, county and municipal prosecutor's offices, medical examiner's offices, courts, probation offices, and correction facilities such as state prisons, local jails, and juvenile facilities.
28. Have you, or a member of your family, or close friend, ever worked for, or been associated with, a criminal defense lawyer (including lawyers who are public defenders and those who are in private practice) or a private investigator?
29. Have you, a close friend, or any member of your family, ever applied for a position in law enforcement, including corrections?
30. Are you, a close friend, or a member of your family, presently planning to apply for a position in law enforcement, including corrections?
31. As a general proposition, do you tend to believe that a member of law enforcement, such as a police officer or federal agent, who testifies in court is: more likely to tell the truth than other witnesses; about as likely to tell the truth as other witnesses; less likely to tell the truth than other witnesses?
32. Both of the men on trial are presumed innocent and cannot be convicted unless the jury, unanimously and based solely on the evidence presented in court, decides that his guilt has been proven beyond a reasonable doubt. The burden of proving guilt beyond a reasonable doubt rests entirely with the government. The defendants are not required to prove innocence. Do you agree or disagree with this?

33. An indictment is a document that describes the charges of which a defendant is accused. This means that the indictment in this case may not be considered by you as any evidence whatsoever of guilt. Do you agree or disagree with this rule of law?
34. Under the law, a defendant need not testify in his own defense. If a defendant does not testify, the jury may not consider that fact in any way in deciding whether a defendant is guilty. Do you agree or disagree with this rule of law?
35. Have you ever appeared in court or been involved in any court proceeding as a plaintiff, witness, defendant or victim?
36. Have you ever seen a crime occurring, whether or not you later spoke to the police or appeared in court?
37. Do you have, or have you ever had, a close friend or family member in prison?
38. Have you, a member of your family, or anyone you are close to, ever had a problem with the use of illegal drugs?
39. Have you, or any member of your family, or someone close to you, ever been charged with or arrested for a criminal offense (including serious traffic offenses, such as drunk driving?)
40. Have you ever been questioned in any investigation by and federal, state or local law enforcement agency?
41. Have you ever had a dispute with any state or federal government agency or employee? Do you anticipate such a dispute in the near future?
42. Have you, or any member of your family, or close friend, ever had an experience with the police or other elements of the criminal justice system where the person – yourself included – came away from the experience believing he or she had been treated particularly justly or particularly unjustly?
43. Have you ever served as a trial or grand juror before?
44. If yes, approximately when and where?
45. If a criminal case, please give the general nature of the charge, *i.e.*, drug case, fraud case, etc., if you can recall. Did the jury reach a verdict?
46. Is there anything about your prior jury experience which you think would have an impact on your service in this case?
47. Do you have an opinion, in general, of lawyers?
48. Do you have an opinion of lawyers who prosecute criminal cases?
49. Do you have an opinion of lawyers who defend criminal cases?

- 50. Do you know Judge Alvin Hellerstein or any member of his staff?
- 51. Do you know anyone who works in the federal courthouses in Manhattan, Brooklyn, Central Islip or White Plains?
- 52. Do you think you may have read, heard or know something about this case?
- 53. The following attorney has been appointed by the Court to represent Mr. Guzman:

James Kousouros.

The following attorney has been appointed by the Court to represent Mr. Henriquez:

Alan R. Kaufman.

To the best of your knowledge, do you, or any relative or friend, know or have any connection with these attorneys? Have you heard of, or do you know anything at all, about the defense attorneys?

- 54. The prosecution is brought by the office of United States Attorney Michael J. Garcia. The trial will be conducted by the following Assistant United States Attorneys:

Marissa Molé

and

Christopher Lavigne

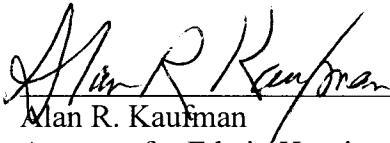
To the best of your knowledge, do you, or any relative or friend, know or have any connection with these attorneys? Have you heard of, or do you know anything at all, about these attorneys? Do you, or any relative or friend, know or have any connection with anyone in the Office of the United States Attorney?

- 55. Do you have an opinion about whether either or both defendants are guilty of the crimes charged?
- 56. This case involves charges that include drug-trafficking and possession of firearms. Is there anything about the nature of these charges, in and of themselves, that would interfere with your ability to fairly decide this case?
- 57. Some of the witnesses to be called by the prosecution have past criminal convictions, or may have been involved in some of the crimes charged in the indictment, or were involved in other serious criminal activity, including drug dealing. These witnesses have pled guilty and are testifying pursuant to lawful cooperation agreements with the Government and are hoping their cooperation under such an agreement will result in a reduced sentence or other benefit. The Court will instruct you that the government is permitted to use such agreements, and you may consider these things in judging whether or not to accept the testimony of these witnesses. Do you have feelings about that type of

witness that would make it difficult for your to evaluate the testimony of such a witness fairly and impartially, in accordance with the Court's instructions?

58. Are you familiar with any of the people, places or organizations on the attached list? In other words, do you know or know something about, or have read or heard about someone on the list? Have you been at any of the places mentioned? [Read list of names, locations]
59. Is there any matter you would prefer to discuss privately with the judge?
60. Do you know of any reason whatsoever why you cannot serve as a fair and impartial juror in this case?

Dated: New York, New York
February 1, 2008


Alan R. Kaufman
Attorney for Edwin Henriquez
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